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SONY BMG MUSIC ENTERTAINMENT;  
PRIORITY RECORDS LLC; UMG  
RECORDINGS, INC.; WARNER BROS.  
RECORDS INC.; LAVA RECORDS LLC;  
ATLANTIC RECORDING CORPORATION;  
LAFACE RECORDS LLC; and ELEKTRA  
ENTERTAINMENT GROUP INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SONY BMG MUSIC ENTERTAINMENT, a  
Delaware general partnership; PRIORITY  
RECORDS LLC, a California limited liability  
company; UMG RECORDINGS, INC., a  
Delaware corporation; WARNER BROS.  
RECORDS INC., a Delaware corporation;  
LAVA RECORDS LLC, a Delaware limited  
liability company; ATLANTIC RECORDING  
CORPORATION, a Delaware corporation;  
LAFACE RECORDS LLC, a Delaware limited  
liability company; and ELEKTRA  
ENTERTAINMENT GROUP INC., a Delaware  
corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO.

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT

PJH

ADR

ORIGINAL  
FILED  
SEP 20 2007  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**JURISDICTION AND VENUE**

1  
2 1. This is a civil action seeking damages and injunctive relief for copyright infringement  
3 under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).

4 2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal  
5 question); and 28 U.S.C. § 1338(a) (copyright).

6 3. Venue in this District is proper. See 28 U.S.C. §§ 1391(b), 1400(a). Although the  
7 true identity of Defendant John Doe ("Defendant") is unknown to Plaintiffs at this time, on  
8 information and belief, Defendant may be found in this District and/or a substantial part of the acts  
9 of infringement complained of herein occurred in this District. On information and belief, personal  
10 jurisdiction in this District is proper because Defendant, without consent or permission of the  
11 copyright owner, disseminated over the Internet copyrighted works owned and/or controlled by  
12 Plaintiffs. On information and belief, such illegal dissemination occurred in every jurisdiction in the  
13 United States, including this one. In addition, Defendant contracted with an Internet Service  
14 Provider ("ISP") found in this District to provide Defendant with the access to the Internet which  
15 facilitated Defendant's infringing activities.

16 **PARTIES**

17 4. Plaintiff SONY BMG MUSIC ENTERTAINMENT is a Delaware general  
18 partnership, with its principal place of business in the State of New York.

19 5. Plaintiff Priority Records LLC is a limited liability company with its principal place  
20 of business in the State of California.

21 6. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the  
22 laws of the State of Delaware, with its principal place of business in the State of California.

23 7. Plaintiff Warner Bros. Records Inc. is a corporation duly organized and existing  
24 under the laws of the State of Delaware, with its principal place of business in the State of  
25 California.

26 8. Plaintiff Lava Records LLC, a limited liability company, is a joint venture between  
27 Atlantic Recording Corporation and Diamond Music LLC, and is duly organized and existing under  
28 the laws of the State of Delaware, with its principal place of business in the State of New York.

9. Plaintiff Atlantic Recording Corporation is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

10. Plaintiff LaFace Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

11. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

12. The true name and capacity of Defendant are unknown to Plaintiffs at this time. Defendant is known to Plaintiffs only by the Internet Protocol (“IP”) address assigned to Defendant by his or her ISP on the date and time of Defendant’s infringing activity. See Exhibit A. Plaintiffs believe that information obtained in discovery will lead to the identification of Defendant’s true name.

**COUNT I**

## INFRINGEMENT OF COPYRIGHTS

13. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

14. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright law with respect to certain copyrighted sound recordings, including, but not limited to, all of the copyrighted sound recordings on Exhibit A to this Complaint (collectively, these copyrighted sound recordings shall be identified as the “Copyrighted Recordings”). Each of the Copyrighted Recordings is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights to each Plaintiff as specified on each page of Exhibit A.

15. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

1           16.     Plaintiffs are informed and believe that Defendant, without the permission or consent  
2 of Plaintiffs, has continuously used, and continues to use, an online media distribution system to  
3 download and/or distribute to the public certain of the Copyrighted Recordings. Exhibit A identifies  
4 the IP address with the date and time of capture and a list of copyrighted recordings that Defendant  
5 has, without the permission or consent of Plaintiffs, downloaded and/or distributed to the public.  
6 Through his or her continuous and ongoing acts of downloading and/or distributing to the public the  
7 Copyrighted Recordings, Defendant has violated Plaintiffs' exclusive rights of reproduction and  
8 distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and/or exclusive  
9 rights under copyright. (In addition to the sound recordings listed on Exhibit A, Plaintiffs are  
10 informed and believe Defendant has, without the permission or consent of Plaintiffs, continuously  
11 downloaded and/or distributed to the public additional sound recordings owned by or exclusively  
12 licensed to Plaintiffs or Plaintiffs' affiliate record labels, and Plaintiffs believe that such acts of  
13 infringement are ongoing. Exhibit A includes the currently-known total number of audio files being  
14 distributed by Defendant.)

15           17.     Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on  
16 each respective album cover of each of the sound recordings identified in Exhibit A. These notices  
17 of copyright appeared on published copies of each of the sound recordings identified in Exhibit A.  
18 These published copies were widely available, and each of the published copies of the sound  
19 recordings identified in Exhibit A was accessible by Defendant.

20           18.     Plaintiffs are informed and believe that the foregoing acts of infringement have been  
21 willful, intentional, and in disregard of and with indifference to the rights of Plaintiffs.

22           19.     As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights  
23 under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) against  
24 Defendant for each infringement of each copyrighted recording. Plaintiffs further are entitled to  
25 their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

26           20.     The conduct of Defendant is causing and, unless enjoined and restrained by this  
27 Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated  
28 or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502

and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs' copyrights, and ordering that Defendant destroy all copies of copyrighted sound recordings made in violation of Plaintiffs' exclusive rights.

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*, download) any of Plaintiffs' Recordings or to distribute (*i.e.*, upload) any of Plaintiffs' Recordings, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. § 504.

3. For Plaintiffs' costs in this action.

4. For Plaintiffs' reasonable attorneys' fees incurred herein.

5. For such other and further relief as the Court may deem just and proper.

Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

By: 

MATTHEW FRANKLIN JAKSA  
Attorney for Plaintiffs  
SONY BMG MUSIC  
ENTERTAINMENT; PRIORITY  
RECORDS LLC; UMG RECORDINGS,  
INC.; WARNER BROS. RECORDS  
INC.; LAVA RECORDS LLC;  
ATLANTIC RECORDING  
CORPORATION; LAFACE RECORDS  
LLC; and ELEKTRA  
ENTERTAINMENT GROUP INC.

**EXHIBIT A****JOHN DOE****IP Address:** 207.62.146.122 2007-04-22 16:25:24 EDT**CASE ID#** 126410007**P2P Network:** Gnutella**Total Audio Files:** 925

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
SONY BMG MUSIC ENTERTAINMENT	Journey	Faithfully	Frontiers	43-223
Priority Records LLC	Ice Cube	MP	The War Disc	268-428
UMG Recordings, Inc.	Tom Petty	American Girl	Long After Dark	50-037
Warner Bros. Records Inc.	Madonna	Music	Music	285-828
UMG Recordings, Inc.	Bloodhound Gang	The Bad Touch	Hooray For Boobies	278-185
SONY BMG MUSIC ENTERTAINMENT	Savage Garden	I Knew I Loved You	Affirmation	276-120
Lava Records LLC	Kid Rock	Cowboy	Devil Without A Cause	204-532
Atlantic Recording Corporation	Sugar Ray	Someday	14:59	262-149
LaFace Records LLC	Usher	You Make Me Wanna	My Way	257-730
Elektra Entertainment Group Inc.	Missy Elliott	Get Your Freak On	Miss E...So Addictive	297-686